THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18056 of 2004

Dated: 03.08.2006

Between
Badiganchula Venkateswarlu

…..Petitioner

and

1. The Mandal Revenue Officer,
Nakarikallu Mandal, Guntur District
And another.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18056 of 2004

ORDER:

This writ petiton is filed seeking a Mandamus to declare the proceedings in Rc.No.70 of 2004 dated 14.7.2004 on the file of the 1st respondent as confirmed by the 2nd respondent in his proceedings in Rc.No.1095 of 2004 dated –9-2004 as arbitrary and illegal.

It appears that the petitioner is the kerosene hawker and doing the business of kerosene under the licence which is subsisting up to 31.12.2006. While so, he was asked to attend the Mandal Revenue Officer's office on 14.7.2004. Thereafter, he was served with the impugned order dated 14.7.2004 cancelling the kerosene authorization. Aggrieved by the same, he filed an appeal before the Revenue Divisional Officer, who confirmed the impugned order. Aggrieved by the same, the present writ petition has been preferred.

The only contention of the learned counsel for the petitioner is that the impugned order dated 14.7.2004 refers to a notice dated

10-07-2004 calling for an explanation from the petitioner, but this notice was never received by the petitioner. Therefore, the petitioner had no opportunity of explaining the same. Further, the notice requires three days time for explaining the same, which is too short period. Therefore, the impugned order passed on 14.7.2004 as confirmed by the Revenue Divisional Officer is in

gross violation of principles of natural justice.

In view of the above, there is no necessity to go into all the details. Except saying that the notice dated 10.7.2004 was served on the petitioner on the very same day, it is not clear as to the mode of service and when the notice was served on the petitioner. Apart from that only three days time was given for submitting the explanation in the purported notice. There is no urgency in a matter of this nature calling for explanation within three days. Further, the names of those 28 card holders to whom the petitioner has not supplied the keresone were not furnished.

Therefore, I am of the opinion that passing of the impugned order is in gross violation of principles of natural justice and therefore, the impugned order passed by the 1st respondent as confirmed by the 2nd respondent is liable to be set aside.

Accordingly, the writ petition is allowed and the order impugned is set aside. The petitioner shall be allowed to continue to do the business as usual. However, this will not prevent the authorities from taking appropriate action, if any necessary, as per law. No costs.

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3.8.2006

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